

City of Houston, Texas, Ordinance No. 2005-_____

AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, TO PROVIDE FOR THE CREATION OF A PARKING MANAGEMENT COMMISSION; PROVIDING FOR THE APPOINTMENT OF THE MEMBERS THEREOF AND PRESCRIBING THEIR QUALIFICATIONS; SPECIFYING THE JURISDICTION AND AUTHORITY OF THE PARKING MANAGEMENT COMMISSION AND SETTING FORTH ITS POWERS AND DUTIES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, the City of Houston has experienced and continues to experience significant population growth and development in the central business district and other areas of the city resulting in increased demand for the provision and management of both on-street and off-street parking; and

WHEREAS, a new organizational structure is needed for the departments and staff assigned or devoted to parking issues to manage the current demand for parking and the planning necessary to ensure adequate parking facilities and regulations to meet future demands; and

WHEREAS, it is the intent of the City Council to establish a public parking policy to ensure available supply in major activity centers and neighborhood business centers to promote the use of multi-modal transportation options and the growth of economic activity in various sectors, including: retail development, job creation and retainage, residential development, entertainment and hospitality, air travel, use of transit, and recreational opportunities; and

WHEREAS, a public parking policy will also allow the City to (i) manage city assets effectively and efficiently to provide adequate resources for on-street parking operations and enforcement that compliment adjacent land uses and support economic activity, make future investments in both on-street and off-street assets and technology to increase parking availability in high demand/low supply areas, (ii) properly coordinate traffic management and on-street parking to provide mobility during peak travel times, and (iii) provide a vehicle for citizen/stakeholder Involvement in the governance of public parking policy; and

WHEREAS, the City Council has determined that it is necessary to establish a Parking Management Commission to address and manage parking issues, direct future planning, and to propose parking regulations deemed necessary to carry out and coordinate both present day management and future planning relating to parking facilities needed for the continued development of the City; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the recitals and findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. That Chapter 16 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article IV, which reads as follows:

"ARTICLE IV. PARKING MANAGEMENT COMMISSION

Sec. 16-101. Created.

(a) There is hereby created a parking management commission.

Sec. 16-102. Composition.

(a) The commission shall be composed of nine regular members and five nonvoting ex officio members. Members shall be appointed by the mayor and confirmed by the city council. The Commission shall make recommendations to Council on the appropriate number of its members.

(b) The regular members of the commission shall be persons who possess substantial experience in certain designated fields, appointed numbered positions as follows:

- (1) Position 1 - Retail development.
- (2) Position 2 - Job creation and retainage.
- (3) Position 3 - Residential development.

- (4) Position 4 - Sports, entertainment and hospitality.
- (5) Position 5 - Recreational opportunities ~~Air travel.~~
- (6) Position 6 - Nonprofit institutional activity ~~Transit and transportation.~~
- (7) Position 7 - Air travel ~~Recreational opportunities.~~
- (8) Position 8 - A member of the general public.
- (9) Position 9 - A member of the general public.

(c) The ex officio members shall be:

- (1) The director of _____, who shall also serve as secretary to the commission;
- (2) The city traffic engineer or, in his or her absence or inability to act, a member of the traffic management division of the department of public works and engineering designated by the director of that department;
- (3) A designee of the Metropolitan Transit Authority of Harris County, Texas;
- (4) A member of the planning commission; and
- (5) A designee of the Harris County Commissioners Court.

Sec. 16-103. Terms of members.

(a) Members shall serve a two-year term of office and shall continue in office until their successors are appointed and qualified. The terms for members in even-numbered positions shall commence on January 1 of each even-numbered year and end on December 31 of the following odd-numbered year. The terms for members in odd-numbered positions shall commence on January 1 of each odd-numbered year and end on December 31 of the following even-numbered year.

(b) If a commission member other than an ex officio member removes his or her actual residence from the city during the term of his or her appointment, that person shall be disqualified from membership on the commission, and his or her position shall become vacant effective simultaneously with such change in residency.

Sec. 16-104. Compensation.

The members of the commission, in the performance of their duties as such, shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city. A member of the commission is a 'city official' as that term is defined in chapter 18 of this Code. The member shall abstain from voting upon matters in which there is or may be a conflict of interest, shall not participate in any activity of the commission in which there is or may be a conflict of interest, and shall not participate in any city contract that relates to the duties of the commission.

Sec. 16-105. Chairman.

The mayor shall designate the commission chair from among the regular members of the commission. At its first meeting of each calendar year, the regular members of the commission shall elect a vice chair who shall perform the duties of the chair when the chair is absent or unable to perform such duties.

Sec. 16-106. Quorum.

A majority of the voting members of the commission shall constitute a quorum; however, in the event of a vacancy on the commission, a majority of the remaining voting members of the commission, or of the voting membership of the commission as diminished by such vacancies, shall constitute a quorum for the transaction of business.

Sec. 16-107. Committees.

The commission may form advisory committees, including persons not on the commission, to assist it in the discharge of its responsibilities.

Sec. 16-108. Absence from meetings.

Three successive unexcused absences from the regularly scheduled meetings, after due notice served by telephone or mail of the time and place of such meetings, shall ipso facto terminate membership on the commission. Absences may be excused only by a majority of the commissioners present and voting at any scheduled meeting.

Sec. 16-109. General powers and duties.

(a) The commission shall have power and it shall be its duty:

- (1) To review data relating to all on-street and off-street parking facilities in the city.
- (2) To develop a comprehensive inventory of such facilities city-wide and by specific areas, including the central business district and other areas where significant demand for parking exists or is anticipated to occur in the future.
- (3) To develop a parking facility database for use in managing existing parking and planning for future parking needs in the future.
- (4) To require annual reports from the traffic management division of the department of public works and engineering, the municipal courts administration and judicial departments, and other city departments consisting of such data, statistics and other information necessary to maintain the city's inventory of parking assets, manage existing parking needs and plan for future parking to support the growth and development of the city.
- (5) To conduct public hearings on parking needs and related issues, both present and anticipated, in the central business district and other areas of the city, as the commission may deem necessary or expedient.
- (6) To recommend to the city council such additional ordinances, rules, regulations or procedures, including but not limited to on-street parking rates, duration and days of operation, as the commission may deem advisable to meet present or future parking needs of the city.
- (7) To recommend to the city council such capital improvements or other programs as the commission shall consider necessary to manage or accommodate the present or future parking needs of the city.
- (8) To conduct studies of the current or anticipated parking needs of the city or any locale as the commission shall deem necessary or advisable and to report its findings on such matters to the city council not less than annually.
- (9) To provide a forum for input on present and future parking needs and related issues for stakeholders and other interested parties.

(b) Additionally, the commission shall have the power:

- (1) To make or cause to be made plans and maps of the whole or any portion of the city and of any land outside the city which, in the opinion of the commission, relates to the development, management or planning of parking facilities for the city, and to make changes in, additions to and extensions of such plans or maps when it deems same advisable. The commission may adopt a plan as a whole by a single resolution, or may, by successive resolutions, adopt successive parts of the plan, such parts corresponding to geographical sections of the city, as determined by the commission at any time or from time to time, or to functional divisions of the subject matter of the plan, as determined by the commission at any time or from time to time, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon after not less than 15 days' notice published in a daily newspaper of general circulation printed in the city. A copy of the plan or part thereof, showing the date of its approval by the commission and bearing the signature of the commission chair, shall be presented to the council for its review. The council, by ordinance, may adopt a parking plan designated as a comprehensive parking plan or a portion of a comprehensive parking plan as proposed by the commission.
- (2) To coordinate with all other municipal and governmental agencies and especially the city council in formulating and executing parking plans to accommodate development in the city.
- (3) To recommend to the city council routes of transportation corridors and particularly to investigate and recommend the alteration or other changing of streets to best manage the city's parking facilities and system, present and future.
- (4) In conjunction with the traffic and transportation division of the department of public works and engineering, the planning and development department, or a city department charged with any responsibility relating to parking, to make recommendations to the city council concerning traffic regulations and controls that directly affect the parking needs

or facilities of any area of the city or of the city as a whole, including, but not limited to, off-street parking.

- (5) Generally to investigate, consider and recommend to the city council all matters for the management, development and advancement of the city's parking needs or facilities.

Sec. 16-110. Rules, regulations and bylaws.

The commission shall, subject to the approval of the city council, make such rules and regulations and adopt such bylaws for its own governance and designate such times and places for holding meetings as it deems proper.

Sec. 16-111. Commission meetings.

(a) The commission shall adopt a regular meeting schedule and shall give public notice of the meeting schedule by publication for three consecutive days in a daily newspaper of general circulation within the city. The commission may change this meeting schedule by the adoption of a new schedule, the effective date of which shall not be less than ten days after publication of the new schedule for three consecutive days in a daily newspaper having general circulation within the city and the area of extraterritorial jurisdiction. The commission may, by rule, designate the times and places for holding meetings as it deems proper.

(b) The commission may hold a special meeting for any purpose, subject to the provision of proper notice of the meeting.

Sec. 16-112. Annual major thoroughfare and freeway plan review.

Each year, on or before the first day of _____, and at least _____ days prior to its submission to the city council, the planning director shall provide the commission at least _____ copies of the annual major thoroughfare and freeway plan as recommended by the planning commission. The commission shall provide any written comments on such plan to the director at least _____ prior to its submission to the city council and provide a copy thereof the office of the mayor."

Section 3. That, notwithstanding the provisions of Section 16-502 of the Code of Ordinances, Houston, Texas, as adopted in Section 2 of this Ordinance, the terms of the initial members of the Parking Managment Commission shall expire on

_____, for members in even-numbered positions and on _____,
for members in odd-numbered positions.

Section 4. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 5. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ____ day of _____, 2005.

APPROVED this ____ day of _____, 2005.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

Prepared by Legal Dept. _____
RDC:asw 04/14/2005 Senior Assistant City Attorney
Requested by Richard Lewis, Acting Director, Municipal Courts Administration Department
L.D. File No. 0450500001001